

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JEREMY DALE DAVIS,

PETITIONER

v.

CIVIL ACTION NO.: 1:12cv160-NBB-SAA

RONALD KING, et al.,

RESPONDENTS

CERTIFICATE OF APPEALABILITY

A final judgment having been filed in the above captioned habeas corpus proceeding in which the detention complained of arises out of process issued by a state court under 28 U.S.C. § 2254, the Court, considering the record in the case and the requirements of 28 U.S.C. § 2253(c), hereby finds that:

PART A

The applicant has made a substantial showing of the denial of a constitutional right.

SPECIFIC ISSUE(S):

A certificate of appealability should not issue.

REASONS FOR DENIAL:

For the reasons stated in its opinion, the Court finds that the Petitioner has failed to “demonstrate that the issues are debatable among jurists of reason; that a court could resolve issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further.” *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1993) (superceded by statute) (citations and quotations omitted); 28 U.S.C. § 2253(c)(1) and (2). Specifically, the Court finds,

for the reasons set forth in its July 24, 2014, memorandum opinion and final judgment, that the Petitioner's habeas petition and his request for a certificate of appealability should be denied.

PART B (if applicable)

- The party appealing is entitled to proceed *in forma pauperis*.
- The party appealing is not entitled to proceed *in forma pauperis*.**

REASONS FOR DENIAL:

The Court finds that the Petitioner's appeal is not taken in good faith because it is frivolous and has no possibility of success. *See Fed. R. App. P. 24.*

SO ORDERED this, the 29th day of August, 2014.

/s/ Neal Biggers
NEAL B. BIGGERS, JR.
UNITED STATES DISTRICT JUDGE